THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2594 OF 2007

DATED: 12-02-2007

BETWEEN

Mallidi Satyanrayana Reddy,
S/o. Sri. Satyanarayana Reddy,
Occ: Contractor, R/o. Balabadrapuram,
Biccavolu Mandal, East Godavari District.

...PETITIONER

AND

The Chief Executive Officer,
Zilla Praja Parishad,
East Godavari at Kakinada.

...RESPONDENT

ORDER:

The petitioner questions the order of the respondent dated 18.01.2007 vide his proceedings Rc.No.H2/1519/2006 in canceling the proceedings dated 30.04.2006 in Rc.No.H2/1519/2006 by which the respondent has leased out the quarry land of the Zilla Praja Parishad admeasuring an extent of Ac.11.98 cents situated in Kapavaram village, Biccavolu Mandal, for enjoyment of usufruct for a period commencing from 01.04.2006 to 31.03.2006 in favour of the petitioner.

2. On a note put up by the Chief Executive Officer and Chairman of Zilla Praja Parishad dated 17.01.2007 the respondent cancelled the said quarry lease by impugned proceedings dated 18.01.2007. Admittedly, the impugned proceedings go to show that no show cause notice has been issued but a decision has been taken unanimously without giving any opportunity to the petitioner. In the impugned proceedings it is stated that the quarry land was

given from 01.04.2006 to 31.03.2009 for enjoyment of usufruct only but the petitioner has also sold the gravel in quarry land and violated the auction conditions and caused loss to the Zilla Parishad.

3. As the impugned order has been passed without giving any notice in violation of principles of natural justice, the impugned order is set aside keeping it open for the respondent to issue show cause notice and pass appropriate in accordance with law. However, the petitioner shall not sell the gravel but he can continue to enjoy the usufruct over the said land till final orders are passed.

The writ petition is accordingly allowed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 12, 2007
DSK